

Remarks/Arguments

In the non-final Office Action dated March 3, 2009, it is noted that claims 1-11 are pending; that claim 1-11 have been rejected on the grounds of nonstatutory obviousness-type double patenting; and that claims 1-11 stand rejected under 35 U.S.C. §103. On pages 4 and 5 of the Office Action, the patent number of Lewis appears to be given incorrectly. For this response, it was assumed that the correct patent number ended in “898” rather than “989”.

No amendments have been presented with this response. Applicants’ representative thanks the Examiner for providing a set of specification guidelines for use in utility applications.

Cited Art

The following references have been cited and applied against the claims in the present Office Action: U.S. Patent 6,556,576 to Du et al. (hereinafter “*Du I*”); U.S. Patent 7,457,298 to Du et al. (hereinafter “*Du II*”); U.S. Patent 6,816,502 to Ekl et al. (hereinafter “*Ekl I*”); U.S. Patent 6,259,898 to Lewis (hereinafter “*Lewis*”); U.S. Patent Application Publication No. 2005/0157745 to Fujii et al. (hereinafter “*Fujii*”); and “Applicant’s Admitted Prior Art” identified in the present Office Action as being from page 12, lines 2-10 of the specification (hereinafter referenced as “*APA*”).

Rejection of Claims 1-2, 5-6, and 9-11 under 35 U.S.C. §103

Claims 1-2, 5-6, and 9-11 stand rejected under 35 U.S.C. §103 as being unpatentable over Ekl in view of Lewis. This rejection is respectfully traversed.

Claims 1, 5, 9, and 11 are independent method claims. Claim 2 depends from claim 1; claim 6 depends from claim 5; and claim 10 depends from claim 9.

Claim 1 calls, in part, for, “signalling the unavailability of the bridge terminal by means of a power saving signal of the communication network.” Claims 5, 9, and 11 include a substantially identical limitation to the one quoted above for independent claim 1. In view of this similarity, the following remarks will be focused on claim 1 and will be understood to pertain equally to independent claims 5, 9, and 11 without further repetition.

Ekl has been described in the Office Actions and in the prior responses. In the present Office Action, it is admitted that Ekl does not disclose “signalling the unavailability of the bridge terminal by means of a power saving signal of the communication network”, defined in claim 1.

See Office Action at page 8. The present Office Action seeks to remedy this deficiency in the teaching of Ekl by adding Lewis.

Ekl appears to present an environment in which an access point (AP) communicates with first and second sets of mobile subscribers or stations (MS), wherein the AP communicates with each set on a different frequency. Various sets of parameters appear to be exchanged in communications between the AP and the sets of MSs. Timers are set in the communication protocol so that, when the first timer expires, the AP can revert to a sleep mode. Entry into the sleep mode is not communicated by Ekl's AP. Instead, the expiration of the first timer, which measures the group aggregate time, is alone used for the AP to enter the sleep mode.

Lewis appears to define an access point in which the transceiver is capable of operating at two different frequencies/channels. *See Lewis at col. col. 2, lines 26-29 and col. 9, lines 31-34.* Lewis clearly states that dual frequency operation occurs simultaneously on non-interfering frequency channels. *See Lewis at col. 5, lines 26-52 and col. 6, lines 60-64.* Lewis appears to generate a beacon signal from one transceiver or the other in order to indicate the availability of the access point for registration of mobile terminals. *See Lewis at col. 6, lines 13-59 and col. 9, line 60 through col. 10, line 3.* Once the registration limit is reached, the beacon signal is switched to the access point transceiver having room within the registration limit. *Ibid.* According to Lewis, the beacon signal is sent periodically from the access point "to indicate registration availability in order that mobile stations may register" on the access point. *See Lewis at col. 6, lines 48-51 and lines 56-59*

Even if it were proper to combine Lewis with Ekl, an assumption with which Applicants neither acquiesce nor agree, the resulting combination of Ekl and Lewis would still not teach, show, or suggest all the limitations of claim 1. Particularly, the combination of Lewis and Ekl still fails to teach, show, or suggest "wherein the bridge terminal is unavailable for the first subnet when it is operated in the second subnet; wherein the bridge terminal is unavailable for the second subnet when it is operated in the first subnet" and "signalling the unavailability of the bridge terminal by means of a power saving signal of the communication network", defined in claim 1. Lewis appears to teach that the availability of the access point for registration is broadcast periodically. There is no teaching that a signal is sent to indicate unavailability of the access point or any of its transceivers. Moreover, Lewis teaches that the access point transmits and receives on two channels or frequencies simultaneously. Since simultaneous frequency/channel operation of the access point is taught by Lewis, it would be impossible for

Lewis to even remotely suggest that it could apply to a system “wherein the bridge terminal is unavailable for the first subnet when it is operated in the second subnet; wherein the bridge terminal is unavailable for the second subnet when it is operated in the first subnet”, as defined in the claims. Finally, there is no indication in Lewis that his beacon is related in any way to a power saving mode signal, as defined in the claims. Thus, Lewis does not cure the defects noted above with respect to the teachings of Ekl. For all these reasons, it is submitted that Lewis does not teach the limitations of the claims and that the combination of Ekl and Lewis fail to teach, show, or suggest all the limitations of the claims.

In light of these remarks, it is believed that independent claims 1, 5, 9, and 11 and the claims dependent thereon would not have been obvious to a person of ordinary skill in the art upon a reading of Ekl and Lewis, either separately or in combination. Thus, it is submitted that claims 1-2, 5-6, and 9-11 are allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Rejection of Claims 3 and 7 under 35 U.S.C. §103

Claims 3 and 7 stand rejected under 35 U.S.C. §103 as being unpatentable over Ekl and Lewis further in view of Fujii. This rejection is respectfully traversed.

Claim 3 depends ultimately from claim 1 and claim 7 depends directly from claim 5. The patentable distinctions between the independent claims and the combination of Ekl and Lewis have been discussed above and will not be repeated herein. Because of the dependency of claim 3 from claim 1 and claim 7 from claim 5, Applicants essentially repeat the remarks for claims 1 and 5 over Ekl and Lewis for each of dependent claims 3 and 7.

Fujii has been added to the combination of Ekl and Lewis because the latter references are said to lack any disclosure of the limitation that “jitters in the predetermined duration are compensated over a plurality of switching cycles by controlling the switching”, as defined in claims 3 and 7. *See Office Action at page 14.* Even if Fujii were assumed for the sake of argument to cure this deficiency in the teachings of Ekl and Lewis, an assumption with which Applicants neither acquiesce nor agree, the resulting combination of Fujii with Ekl and Lewis would still fail to teach, show, or suggest “signalling the unavailability of the bridge terminal by means of a power saving signal of the communication network”, defined in base independent claims 1 and 5. Fujii does not cure the defects noted above in the teachings of Ekl and Lewis. Fujii appears to teach the allocation of transmission rights to subscriber stations in a network

with no apparent discussion of power saving mode signalling. Thus, Fujii, Ekl, and Lewis do not teach, show, or suggest all the limitations defined in the claims.

In light of these remarks, it is believed that independent claims 3 and 7 would not have been obvious to a person of ordinary skill in the art upon a reading of Ekl, Lewis, and Fujii, either separately or in combination. Thus, it is submitted that claims 3 and 7 are allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Rejection of Claims 4 and 8 under 35 U.S.C. §103

Claims 4 and 8 stand rejected under 35 U.S.C. §103 as being unpatentable over Ekl and Lewis further in view of APA. This rejection is respectfully traversed.

Claim 4 depends directly from claim 1 and claim 8 depends directly from claim 5. The patentable distinctions between the independent claims and the combination of Ekl and Lewis have been discussed above and will not be repeated herein. Because of the dependency of claim 4 from claim 1 and claim 8 from claim 5, Applicants essentially repeat the remarks for claims 1 and 5 over Ekl and Lewis for each of dependent claims 4 and 8.

APA has been added to the combination of Ekl and Lewis because the latter references are said to lack any disclosure of the limitation that “a content of missed beacon signals is reported by the bridge terminal by means of a probe/probe signalling”, as defined in claims 4 and 8. *See Office Action at page 15.* APA does not cure the deficiencies in Ekl and Lewis discussed above with respect to the independent base claims. Therefore, the combination of Ekl with APA does not teach, show, or suggest all the elements in claim 4, which is dependent from claim 1, and claim 8, which is dependent from claim 5.

In light of these remarks and the patentable distinctions discussed above with respect to the independent claims, it is believed that claims 4 and 8 would not have been obvious to a person of ordinary skill in the art upon a reading of Ekl, Lewis, and the admitted prior art, either separately or in combination. Thus, it is submitted that claims 4 and 8 are allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Double Patenting Rejection of Claims 1-11

Claims 1-11 stand rejected based on the judicially created doctrine of nonstatutory obviousness-type double patenting as being unpatentable over Du I in view of Lewis. Claims 1-11 stand rejected based on the judicially created doctrine of nonstatutory obviousness-type

double patenting as being unpatentable over Du II in view of Lewis. Both of these rejections are respectfully traversed.

The patentable distinctions between the independent claims and Lewis have been discussed above and will not be repeated herein. Applicants essentially repeat the remarks above for the independent claims over Lewis.

Both Du I and Du II appear to be assigned in common to the assignee of the present application. The present Office Action notes the deficiencies in the teachings of Du I and Du II, which deficiencies Applicants neither acquiesce to nor agree with herein. Lewis was added to Du I and Du II to cure the noted deficiencies, especially with respect to "signalling the unavailability of the bridge terminal by means of a power saving signal of the communication network", as defined in claim 1, for example. As already noted above, Lewis lacks any teaching about using a power saving signal or about signalling unavailability of the bridge terminal. So, even if it were proper to combine Lewis and either of the Du patents, an assumption with which Applicants neither acquiesce nor agree, the resulting combination of Du I and Lewis or Du II and Lewis would still not teach, show, or suggest all the limitations of claim 1 and the other independent claims, whose limitations are similar to those discussed above for claim 1.

In light of these remarks and the patentable distinctions discussed above with respect to the independent claims, it is believed that claims 1-11 would not have been obvious to a person of ordinary skill in the art upon a reading of Du I, Du II, and Lewis, either separately or in combination. Thus, it is submitted that claims 1-11 are allowable under judicially created doctrine of nonstatutory obviousness-type double patenting. Withdrawal of these rejections is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

*/Brian S. Myers/
By: Brian S. Myers
Registration No. 46,947*